

ANALYSIS

This ordinance amends Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code to establish green building development standards for projects constructed after January 1, 2009. The standards relate to energy conservation, outdoor and indoor water conservation, resource conservation, and tree planting. Compliance shall be achieved through adherence to County green building standards, or standards created by recognized third-party green building organizations.

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BY



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LLH:sh

10/09/08 (requested)

11/12/08 (revised)

ORDINANCE NO. 2008-0065

An ordinance amending Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code to establish green building development standards for projects constructed after January 1, 2009.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 21.24.440 is hereby added to read as follows:

21.24.440 Green Building.

All projects, as defined therein, shall comply with the green building requirements of Part 20 of Chapter 22.52, subject to the applicability provisions of said Part 20.

SECTION 2. Part 20 of Chapter 22.52 is hereby added to read as follows:

Part 20

GREEN BUILDING

Sections:

- 22.52.2100 Purpose.
- 22.52.2110 Definitions.
- 22.52.2120 Applicability.
- 22.52.2130 General Provisions.
- 22.52.2140 Site Plan Review.
- 22.52.2150 Waiver or Modification of Requirements.
- 22.52.2160 Exemptions.

22.52.2100 Purpose.

A. The purpose of this Part 20 is to establish green building development standards for new projects. Green building practices are intended to:

- a. Conserve water;
- b. Conserve energy;
- c. Conserve natural resources;
- d. Divert waste from landfills;
- e. Minimize impacts to existing infrastructure; and
- f. Promote a healthier environment.

B. The provisions of this Part 20 shall be construed to augment any county, state or federal ordinance, statute, regulation, or other requirement governing the same or related matter, including a supplemental district, community standards district, or transit-oriented district established under this Title 22, and where a conflict exists between a provision in this Part 20 and such other ordinance, statute, regulation, or requirement, the stricter provision shall apply to the extent permitted by law.

22.52.2110 Definitions.

For purposes of this Part 20, the following definitions shall apply:

A. "Agricultural accessory structure" shall mean a structure used to shelter animals or agricultural equipment, hay, feed, and/or other agricultural supplies.

Examples include a barn, a greenhouse, a coop, a corral, and a pen.

B. "Build It GreenTM" is a non-profit organization whose mission is to promote healthy, energy and resource-efficient residential building practices in California.

C. "California energy efficiency standards" are the energy efficiency standards for residential and non-residential buildings established in Title 24, Part 6 (California Energy Code) of the California Code of Regulations, as these standards may be updated from time to time.

D. "County green building standards" are the minimum green building development requirements for all projects in the unincorporated areas of the County, as set forth in Sections 22.52.2130.C.1 through 22.52.2130.C.5.

E. "CGB" means California Green Builder, a green building rating system for residential construction developed by the California Building Industry Association.

F. "Department" shall mean the Los Angeles County Department of Regional Planning.

G. "Drought-tolerant plant list" shall mean a list of native and non-native plant species, approved by the Director and maintained by the Department, which list is organized by ecological zones for use in landscaped areas within all projects.

H. "First-time tenant improvement" is the initial improvement of the interior of a building or portion thereof, where the work requires a building, electrical, plumbing, and/or mechanical permit.

I. "GPR" means Green Point Rated™, a green building rating system for residential construction, developed and administered by Build It Green™.

J. "Green building technical manual" is a manual prepared by the Department that includes the most recent third-party standards and rating systems accepted by the commission for inclusion in the manual, as required by Section 22.52.2130.E, as well as other pertinent information, to assist applicants to comply with the requirements of this Part 20. The green building technical manual includes the drought-tolerant plant list.

K. "Landscaped area" shall mean the cumulative landscaped area of a lot or parcel of land, but shall not include the area in which any tree required by this Part 20 or any mature tree is situated. For single-family residences, the landscaped area shall be any area measured from the front property line to the front of the residence.

L. "LEEDTM" shall mean Leadership in Energy and Environmental Design Green Building Rating SystemTM, an independent certification system of green building point categories and guidelines established by the United States Green Building Council as a means to verify the sustainable qualities of differing building types. LEEDTM certification has four ratings from lowest to highest, respectively, in terms of sustainable qualities: certified, silver, gold, and platinum.

M. "LEEDTM accredited professional" shall mean an accredited professional from the building industry with a demonstrated knowledge and understanding of green building practices and principles, as well as a familiarity with LEEDTM requirements, resources, and processes, all as described by LEEDTM.

N. "Lodging house" shall mean any building or portion thereof containing five or fewer guest rooms designed, used, intended to be used, or hired out to guests for purposes of lodging.

O. "Mature tree" shall mean any tree rooted on a lot or parcel of land, the trunk of which is at least six inches in diameter, measured four and one-half feet above the mean natural grade.

P. "Project" shall mean the construction of any building, as defined in Title 22, or first-time tenant improvement, but shall exclude the remodel or addition to an existing building. If a site contains one or more separate buildings, each separate building shall comply with this Title 20.

Q. "Public Works" shall mean the Los Angeles County Department of Public Works.

R. "Registered historic site" shall mean a property listed on any federal, state, or county register related to historic designation or status, including, but not limited to, the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and State Points of Historical Interest.

S. "Smart irrigation controller" is a watering device that uses sensors and weather information to automatically adjust watering times and frequency in response to weather changes.

T. "Third-party standards and rating systems" are the three independent green building standards and rating systems, CGB, GPR, and LEED™, as those standards and rating systems may be updated from time to time.

U. "United States Green Building Council (USGBC)" is a non-profit organization whose mission is to promote the development of buildings and structures that are environmentally responsible, profitable, and healthy places to live and work.

22.52.2120 Applicability.

A. This Part 20 shall become effective on January 1, 2009, and shall apply to all projects within the unincorporated areas of the County after that date except for the following:

1. Any project where a complete building permit application was filed with Public Works prior to January 1, 2009, except as provided in subsection 3;

2. Any project where a building permit was obtained prior to January 1, 2009, and expired prior to its use, where Public Works determines that the use of the building permit was delayed because of third-party litigation against the County related to the County's approval of the project. This exemption shall not apply if

Public Works determines that material changes to the scope of the building permit are required as a result of the litigation;

3. Any project involving construction of single-family residences on lots created by a parcel map which created four or fewer residential lots, or any project involving a building permit for the construction of one single-family residence on a legal lot, in both cases where a complete building permit application was filed with Public Works prior to April 1, 2009; and

4. Any project that is exempt from the provisions of this Part 20 pursuant to Section 22.52.2160.

B. Where a project involves a subdivision map with single-family lots and the map was approved after the effective date of this Part 20, the total number of single-family lots on the originally approved map shall be deemed to be the number of dwelling units in the project for purposes of determining the project's appropriate green building requirements under Table 22.52.2130-1.

22.52.2130 General Provisions.

A. Table 22.52.2130-1 summarizes the general green building requirements for a project, which requirements shall be based on the building permit application filing date for the project.

B. If a project falls within more than one project description in Table 22.52.2130-1, the project description with the more stringent green building requirements shall apply.

TABLE 22.52.2130-1 GREEN BUILDING REQUIREMENTS FOR PROJECTS			
	Project Description	Building Permit Application Filed on or after January 1, 2009, but before January 1, 2010	Building Permit Application Filed on or after January 1, 2010
1	Residential projects with < 5 dwelling units	County Green Building Standards	County Green Building Standards
2	Residential projects with ≥ 5 dwelling units	County Green Building Standards	County Green Building Standards & (GPR or CGB or LEED Certified)
3	Hotels/motels, lodging houses, non-residential, and mixed-use buildings, with a gross floor area of < 10,000 square feet	County Green Building Standards	County Green Building Standards
4	Hotels/motels, lodging houses, non-residential, and mixed-use buildings, and first-time tenant improvements, with a gross floor area of ≥ 10,000 square feet and < 25,000	County Green Building Standards	County Green Building Standards & LEED™ Certified
5	Hotels/motels, lodging houses, non-residential, and mixed-use buildings, and first-time tenant improvements, with a gross floor area of ≥ 25,000 square feet	County Green Building Standards	County Green Building Standards & LEED™ Silver
6	High-rise buildings > 75 feet in height	County Green Building Standards	County Green Building Standards & LEED™ Silver

C. County Green Building Standards.

1. Energy Conservation. All projects shall be designed to consume at least fifteen (15) percent less energy than allowed under the 2005 Update to the California Energy Efficiency Standards, except that projects exempt from energy compliance under these 2005 standards shall also be exempt from this requirement.

Energy usage for purposes of this subsection shall be determined by the Time Dependent Valuation Method described in Title 24, Part 6 (California Energy Code) of the California Code of Regulations.

2. Outdoor Water Conservation.

a. A smart irrigation controller shall be installed for any area of a lot that is landscaped or designated for future landscaping.

b. All landscaped areas shall meet the drought-tolerant requirements set forth in Part 21 of Chapter 22.52.

3. Indoor Water Conservation.

All tank-type toilets installed in residential projects containing five or more dwelling units regardless of gross floor area, or in hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor area of at least 10,000 square feet shall be high-efficiency toilets (maximum 1.28 gallons/flush).

4. Resource Conservation.

a. A minimum of 50 percent of non-hazardous construction and demolition debris by weight from all residential projects containing less than five dwelling units regardless of gross floor area, or from hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor area of less than 10,000 square feet shall be recycled and/or salvaged for reuse.

b. A minimum of 65 percent of non-hazardous construction and demolition debris by weight from all residential projects containing at least five dwelling units regardless of gross floor area, or from hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor area of at least 10,000 square feet shall be recycled and/or salvaged for reuse.

c. Compliance with this subsection C.4 shall be governed by the methods and procedures set forth in Chapter 20.87 of the County Code.

5. Tree Planting.

a. For each lot containing a single-family residence, a minimum of two 15-gallon trees shall be planted and maintained, at least one of which shall be from the drought-tolerant plant list. The satisfaction of this requirement may be used to fulfill other tree-planting requirements of this Title 22.

b. For each lot containing a multi-family building, a minimum of one 15-gallon tree shall be planted and maintained for every 5,000 square feet of developed area, at least fifty (50) percent of which shall be from the drought-tolerant plant list. The satisfaction of this requirement may be used to fulfill other tree-planting requirements of this Title 22.

c. For each lot containing a hotel/motel, lodging houses, and non-residential buildings, a minimum of three 15-gallon trees shall be planted and maintained for every 10,000 square feet of developed area, at least sixty-five (65) percent of which shall be from the drought-tolerant plant list. The satisfaction of this requirement may be used to fulfill other tree-planting requirements of this Title 22.

d. Exceptions to tree-planting requirements.

i. If the lot size or other site condition makes the planting of the required trees pursuant to this subsection C.5 impractical in the opinion of the Director, the Director may approve the planting of the required trees off-site at twice the ratio than would otherwise be required by this subsection C.5. The procedures for planting trees off-site shall be set forth in the Green Building Technical Manual and proof that such trees have been planted off-site shall be submitted to the Department.

ii. Any existing mature tree on the involved lot shall count towards the tree planting requirements of this subsection C.5 regardless of whether such tree is listed on the drought-tolerant plant list. Such existing mature tree shall be shown on the site plan submitted to the Department.

D. Additional Green Building Requirements for Certain Projects After January 1, 2010. In addition to the green building requirements set forth in subsections C.1 through C.5, this subsection sets forth green building requirements for certain projects, described below, where the building permit application for such project is filed on or after January 1, 2010.

1. For a residential project containing five (5) or more dwelling units, the project shall achieve GPR, CGB, or LEED™ certification or, at the option of the applicant, shall achieve the equivalency of any such certification, as determined by Public Works.

2. For a hotel/motel, lodging house, non-residential or mixed-use building, or first-time tenant improvement, with a gross floor area of at least 10,000 square feet but less than 25,000 square feet, the project applicant shall retain a LEED™ accredited professional or other green building professional, approved by the Director and the Director of Public Works, to be part of the project design team. In addition, the project shall achieve the equivalency of LEED™ certification, either through USGBC certification or through an equivalency determination by Public Works. The building design submitted to Public Works shall show all of the building elements that will be used to achieve such certification or such equivalency determination.

3. For a hotel/motel, lodging house, non-residential or mixed-use building, or first-time tenant improvement project, with a gross floor area greater than 25,000 square feet or for a high-rise building greater than seventy-five (75) feet in

height, the project applicant shall retain a LEED™ accredited professional or other green building professional, approved by the Director and the Director of Public Works, to be part of the project design team. In addition, the project shall achieve the equivalency of a LEED™ silver certification, either through USGBC certification or through an equivalency determination by Public Works. The building design submitted to Public Works shall show all of the building elements that will be used to achieve such certification or such equivalency determination.

4. For purposes of this subsection D, the determination of whether a project achieves the equivalency of LEED™ certification shall be based on the project's use of a defined subset of menu options set forth in the green building technical manual.

E. Updates to the Green Building Technical Manual. The green building technical manual shall be updated with revised third-party standards and rating systems as provided in this subsection E.

1. The green building taskforce established by the Board of Supervisors shall annually review all updates to the third-party standards and rating systems, or more frequently as deemed necessary by the taskforce, to determine whether, in its opinion, the inclusion of such updates in the green building technical manual is appropriate. Any such determination by the green building taskforce shall be submitted to the commission in the form of a recommendation.

2. The commission shall hold a public hearing pursuant to Part 4 of Chapter 22.60 to consider any and all recommendations by the green building taskforce described in subsection E.1. No update to the third-party standards and rating systems may be included in the green building technical manual, or relied upon for compliance with this Part 20, until such update is approved for inclusion in the manual by the commission. Any decision by the commission regarding such inclusion shall be

appealable to the Board of Supervisors and, if appealed, shall not be included in the manual or relied upon for compliance with this Part 20 until final action by the Board of Supervisors on such appeal.

3. Any approved update to the green building technical manual pursuant to this subsection E shall be effective six months after the commission, or, where applicable, the Board of Supervisors, takes final action to approve such update, except that updates related to the California energy efficiency standards shall be effective in accordance with state law.

22.52.2140 Site Plan Review.

A. Compliance with the green building requirements of this Part 20 shall be shown through a site plan review under this Title 22, where the site plan required by Part 12 of Chapter 22.56 shall clearly depict or list any green building elements that will be incorporated into the project. In addition, all building plans and specifications required by Public Works for the project shall also clearly depict or list such green building elements. The Department shall approve compliance with these requirements in concept only. Final approval of such compliance shall be made by Public Works.

B. The same site plan shall be used to show compliance with this Part 20, the drought-tolerant landscaping requirements of Part 21, Chapter 22.52, and the low-impact development standards of Chapter 12.84, to the extent these other requirements apply to the project.

C. In any case where a site plan for a project has been or will be concurrently filed with an application for a permit, variance, zone change, development agreement, or other discretionary entitlement under Title 22, or with an application for a subdivision under Title 21, the site plan procedure set forth above in this section shall not apply and

instead, the exhibit "A," tentative map, or other site plan required for such other approval shall be used to show compliance with this Part 20.

22.52.2150 Waiver or Modification of Requirements.

The Director of Public Works may grant a waiver or modification to the requirements of this Part 20 for a project whenever said Director determines there are practical difficulties involved in carrying out the provisions of this Part 20, provided that said Director finds that a special individual reason makes the strict letter of this Part 20 impractical, that the waiver or modification is in conformity with the spirit and purpose of this Part 20, and that such modification does not lessen any fire-protection or other life-safety-related requirements or any degree of structural integrity. The details of any such action by the Director of Public Works granting a waiver or modification to the requirements of this Part 20 shall be memorialized in writing and maintained in the files of the Department and Public Works.

22.52.2160 Exemptions.

A. The following projects shall be exempt from the provisions of this Part 20:

1. Agricultural accessory structures;
2. Registered historic sites; and
3. First-time tenant improvements with a gross floor area of less than

10,000 square feet.

B. Areas of a project that include warehouse/distribution buildings, refrigerated warehouses, and industrial/manufacturing buildings shall be exempt from the energy conservation requirements in Section 22.52.2130.C.1 and the third-party standards and rating system requirements in Section 22.52.2130.D. Any office space, non-refrigerated, non-warehouse, and non-industrial/manufacturing areas of a building

that are physically separated from the exempted area of the building just described, as determined by the Director, shall comply with all of the requirements of this Part 20.

[GREENBLDGLHCC]

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